

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, certain letters of Mr. Perry, late secretary of legation of the United States at Madrid.

MARCH 2, 1859.—Read ; motion to print referred to the Committee on Printing.

MARCH 3.—Report in favor of printing the usual number submitted, considered, and agreed to.

To the Senate of the United States :

In answer to the resolution of the Senate of the 23d instant, requesting a copy of certain letters of Horatio J. Perry, late secretary to the legation of the United States at Madrid, I transmit a report from the Secretary of State, with the documents which accompanied it.

JAMES BUCHANAN.

WASHINGTON, *February 26, 1859.*

DEPARTMENT OF STATE,
Washington, February 25, 1859.

The Secretary of State, to whom was referred the resolution of the Senate of the 23d instant, requesting the President to communicate to that body, “if in his opinion not incompatible with the public interest, a copy of a letter, or letters, from Horatio D. Perry, secretary of legation at Madrid, addressed, in 1854, to Mr. Marcy, Secretary of State, upon the subject of an overture for a treaty made by the Spanish minister for foreign affairs, (and also a copy of the programme of a treaty, if any,) described in a letter addressed to President Pierce as ‘conceding immense benefits to our commerce, and securing the prompt and complete protection of the political, religious, and social rights of our citizens in future in every portion of the Spanish dominions, in consideration for similar benefits conceded to Spanish subjects and their commerce by the United States,’ ” has the honor to lay before the President a copy of the documents specified in the accom-

panying list, which are the only ones on file in the department relating to the subject of the Senate's resolution.

Respectfully submitted.

LEW. CASS.

The PRESIDENT of the United States.

List of documents accompanying the report of the Secretary of State to the President of the 25th of February, 1859.

Mr. Perry to Mr. Marcy, with enclosures, September 17, 1854.

Mr. Perry to Mr. Marcy, (extract,) June 10, 1855.

Mr. Perry to Mr. Marcy.

LEGATION OF THE UNITED STATES,
Madrid, September 17, 1854.

SIR: I have just received from her Majesty's minister of state for foreign affairs a note making a formal proposition for the establishment of a mixed commission to sit at Madrid for the adjudication and final settlement of all claims involving private interests now pending between the United States and Spain, reciprocally taking for a model the convention concluded between the United States and Great Britain on the 8th of February, 1853, for a similar purpose, and compromising the Spanish government to carry into full effect and execution a like arrangement with regard to all our existing differences of that nature.

I have the honor to enclose copies of the note and of my reply, and at the same time send duplicates of these papers to Mr. Soulé, in France.

I have the honor to remain, with the highest respect, sir, your obedient servant,

HORATIO J. PERRY.

Hon. WILLIAM L. MARCY,
Secretary of State.

Mr. Pacheco to Mr. Perry.

[Translation.]

DEPARTMENT OF STATE,
Palace, September 16, 1854.

MY DEAR SIR: From the moment that I was entrusted with the portfolio of foreign affairs, I conceived it my duty to examine into all claims pending between Spain and other powers, in relation to injuries inflicted upon private individuals, for the purpose of bringing them to a settlement, if such were possible, and of consolidating and extending, by that means, the good friendship which is entertained towards us by all nations and governments. The note which I addressed you on the

31st ultimo, in relation to the refitting of the North Carolina, is conclusive evidence of the sentiments and purposes by which I was actuated.

By deeply meditating upon the more prominent questions, and grasping them as a whole, I have been led to believe that we might succeed in making some arrangement whereby the final settlement of them all would be more promptly and efficiently secured.

The government of the American Union and that of her Britannic Majesty, on the 8th of February, of the preceding year, concluded a convention, the design of which was to bring to a settlement such remaining claims of a similar nature which might be pending between them, by agreeing upon the establishment of a commission of arbitrators, which should be stationed in London, composed of one delegate selected by each of the contracting parties, and a third one to be chosen by these two, or by lot, in case of disagreement, and by giving full authority to this commission to dispose of all questions then existing; these governments binding themselves beforehand to abide by and fulfill its decisions.

The mere intimation of such a system is a sufficient recommendation for its applicability to all cases similar to those which called forth the convention alluded to, and to such as are now at issue between the United States and Spain—claims which have their origin in private interests and in which reparation and indemnification is demanded for injuries inflicted.

But there is still another inducement, which is, that the government of the United States has, for several months past, itself given similar intimations to her Majesty's chargé d'affaires at Washington.

Accepting, therefore, these intimations, and taking as a precedent the convention to which I have alluded, I formally propose that we should come to some understanding whereby we might, with the same facility, dispose of and set at rest all those claims—claims made reciprocally by the parties and upon which the United States and Spain have insisted and do insist up to the present day. If this plan meets the views of the government of the United States, and it will agree to the establishment at Madrid of a mixed commission of arbitrators, having equal powers and under similar conditions with those agreed upon with England on the 8th of February, 1853, I shall affix my signature to such convention as we may conclude, with the greater pleasure from the belief that we shall have taken a step towards the better arrangement of our international relations.

I avail myself of this occasion to renew to you the assurances of my most distinguished consideration.

Your obedient and humble servant,

J. F. PACHECO.

The CHARGÉ D'AFFAIRES of the United States.

Mr. Perry to Mr. Pacheco.

LEGATION OF THE UNITED STATES,
Madrid, September 17, 1854.

SIR: I have had the honor to receive your excellency's note of the 16th instant, in which is expressed the sincere desire which animates you to find some means of settling and terminating all the claims for reparation and indemnity of injuries suffered by private individuals now pending between the governments of Spain and the United States, and in which, after citing the convention concluded between the United States and Great Britain on the 8th of February, 1853, whereby those governments agreed to establish a mixed commission of arbitrators in London which should resolve all questions of a similar character then existing between them, and whose decisions those two governments agreed beforehand to acknowledge as final and to carry into effect, after recalling also some indications made by the government of the United States to the chargé d'affaires of her Catholic Majesty in Washington not many months since.

Your excellency, accepting those indications and taking the example of the convention referred to, proceeds to make me a formal proposition that we do enter upon a road, in the opinion of your excellency, so easy, putting thus a term and conclusion to all the reclamations which the United States and Spain have reciprocally made upon each other and in which they have insisted and do insist to this day.

And your excellency says that, if the government of the United States shall accept this idea and will agree upon the establishment in Madrid of a mixed commission of arbitration, with like faculties and conditions with those which it agreed to with England on the 8th of February, 1853, your excellency will have much pleasure in putting your signature to the agreement which we may celebrate, believing that we shall thus have taken a step in the good road of our international relations.

In reply, I have the honor to say that the proposition of your excellency finds me without instructions upon the matter to which it relates, and I can do no more at present than to refer the note of your excellency to my government, which I shall take a sincere pleasure in effecting without delay.

I avail myself of this occasion to renew to your excellency the assurance of my most distinguished consideration, and remain your excellency's obedient servant,

HORATIO J. PERRY.

Mr. Perry to Mr. Marcy.

[Extract.]

LEGATION OF THE UNITED STATES,
Aranjuez, June 10, 1855.

SIR: It is with regret that I am obliged to announce to you the retirement of Mr. De Luzuriaga from the Department of State of the Spanish government. The official announcement of this event I received only about an hour previous to the arrival of Mr. Dodge at this place. Mr. Luzuriaga has been unwell for some weeks, and was fatigued by the constant attacks made upon him in the Cortes and in the press, especially since his arrangement of the Black Warrior affair, by the fragments of the retrograde party, and other persons, little intelligent in affairs. A crisis occurring, in which the minister of the interior resolved to resign his place, upon a question concerning the national militia, Mr. Luzuriaga took advantage of the occasion to retire also, and three of his companions followed him.

This cannot but be regarded as an untoward event with respect to our affairs with Spain. The justice, freedom from prejudice, liberality and good sense of Mr. Luzuriaga, backed by his laboriousness and his firmness in carrying into effect the dictates of his judgment, as regards the affairs of the United States and Spain, will be difficult to replace.

The new ministers are men of the same political color as Mr. Luzuriaga, and Generals Espartero and O'Donnell still remain at the head of the government, the change having been of persons merely and not of policy. I am assured also, from the highest authority, that the march of affairs as regards ourselves will be continued in the same manner as before, and I have every reason to be confident that such will be the case. But the late minister had heard the cause of our government and people so often argued, explained and made clear to him, that the interests of the two governments, commercial and political, had come to be particularly well understood by him; and this work will have to be all gone over again with General Zabala, his successor.

With respect to the conclusion of a great treaty upon those subjects, the late minister was prepared and anxious for it. Since my residence at Aranjuez, he has frequently taken occasion, of his own accord, to confer with me upon that subject.

In one of our recent interviews, he said to me in these words: "I wish to give to the United States all the benefit which they could expect to gain by a conquest of Cuba, and I believe all that can be combined with the true interests of Spain in that colony."

We had entered often and deeply into the matter of the stipulations which it would be desirable to establish between the United States and Spain. Mr. Luzuriaga told me that one of his chief difficulties was the question of the flour duties.

The interests connected with the protection of the flour trade in old Spain were so considerable as to make the abolition of the discrimination against American flour in Cuba almost impossible.

He offered, however, to abolish the immense duties now paid in Cuba upon our flour, preserving a small duty, however, and still making some discrimination in favor of Spanish grown wheat.

This question of a complete abolition of the discrimination in the Cuban flour duties I consider as entirely of secondary importance in comparison with other points to be settled by the treaty alluded to; but as the Spanish minister seemed to think it a great matter and difficult, I have also maintained it in that rank, in order that the United States might be able to yield it at last, if necessary, in consideration for some other concession on the part of Spain, of more importance to us.

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Hon. WILLIAM L. MARCY,
Secretary of State.



